

AMENDED IN SENATE MAY 1, 2006
AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1476

Introduced by Senator Figueroa

February 23, 2006

An act to amend Sections ~~1601.1~~, 1742, 2460, 2570.4, 2570.19, 2602, 2668, 2701, 2708, 2920, 2933, 3010.5, 3014.6, 3504, 3512, 3516.1, 3685, 3710, 3716, 4001, 4003, 4034, 4163, 4169, 4800, 4804.5, 4928, 4934, 4990.1, 5510, 5517, 5620, 5621, 5622, 6710, 6714, 7200, 7215.6, 7810, 7815.5, and 8000 of, to add Section 2660.5 to, and to repeal Section 4163.5 of, the Business and Professions Code, relating to professions and vocations, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1476, as amended, Figueroa. Professions and vocations.

(1) Existing law, the Dental Practice Act, provides for the licensing and regulation of ~~dentists by the Dental Board of California and for the licensing and regulation of~~ dental auxiliaries by the Committee on Dental Auxiliaries. ~~These provisions~~ *This provision* will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make ~~these provisions~~ *this provision* inoperative on July 1, 2009, and would repeal ~~them~~ *it* on January 1, 2010.

(2) Existing law provides for the licensing and regulation of podiatrists by the California Board of Podiatric Medicine, within the jurisdiction of the Medical Board of California. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead ~~makes~~ *make* these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

(3) Existing law, the Occupational Therapy Practice Act, provides for the licensing and regulation of occupational therapists and the certification and regulation of occupational therapy assistants by the California Board of Occupational Therapy. These provisions will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on July 1, 2013, and would repeal them on January 1, 2014.

Existing law exempts certain persons from the requirements of the act, including a licensee from a state with commensurately stringent requirements, if the services are performed for less than 45 days in a calendar year and are performed in association with an occupational therapist licensed under the act.

This bill would instead require a licensee from a state with commensurately stringent requirements to have filed with the board an application for licensure as an occupational therapist or certified occupational therapy assistant and would require that his or her services be performed for no more than 60 days from the date on which the application is filed. The bill would delete the requirement that the services be performed in association with an occupational therapist licensed in the state.

(4) Existing law provides for the licensure and regulation of physical therapists and physical therapist assistants by the Physical Therapy Board of California. These provisions will become inoperative on July 1, 2007, and will be repealed on January 1, 2008.

This bill would instead make these provisions inoperative on July 1, 2013, and would repeal them on January 1, 2014.

Existing law provides for a diversion program for the rehabilitation of physical therapists and physical therapist assistants abusing drugs or alcohol, and authorizes the board to charge a fee of up to \$100 for participation in the program. Existing law requires persons convicted of certain sex offenses to register as sex offenders, as specified.

This bill would change the fee for participation in the diversion program to the amount necessary to cover the actual cost of administering the program. Because this bill could increase the fee revenue deposited into the Physical Therapy Fund, a continuously appropriated fund, the bill would make an appropriation. The bill would also require the board to deny licensure as a physical therapist

or approval as a physical therapist assistant if the applicant is required to register as a sex offender, unless the registration is required as a result of a misdemeanor conviction for indecent exposure.

(5) Existing law provides for the licensure and regulation of registered nurses by the Board of Registered Nursing, in the Department of Consumer Affairs, and requires the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

(6) Existing law provides for the licensing and regulation of psychologists by the Board of Psychology. Existing law requires the board to employ necessary personnel, and authorizes the board to employ an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

(7) Existing law provides for the licensure and regulation of optometrists by the State Board of Optometry, in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

(8) Existing law provides for the licensure and regulation of physician assistants by the Physician Assistant Committee of the Medical Board of California. Existing law requires the committee to employ necessary personnel, including an executive officer. Existing law prohibits a physician who provides services in a medically underserved area from supervising more than 4 physician assistants at one time. All of these provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(9) Existing law, The Naturopathic Doctors Act, provides for the licensure and regulation of the practice of naturopathic medicine, and establishes the Bureau of Naturopathic Medicine, in the Department of Consumer Affairs, which is responsible for the administration of the act. A violation of certain provisions of the act is a crime. The act will

become inoperative on July 1, 2009, and will be repealed on January 1, 2010.

This bill would instead make the act inoperative on July 1, 2010, and would repeal it on January 1, 2011.

Because this bill would extend the application of certain provisions, the violation of which would be a crime, it would impose a state-mandated local program.

(10) Existing law provides for the licensure and regulation of respiratory professionals by the Respiratory Care Board of California, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

(11) Existing law, the Pharmacy Law, provides for the licensure and regulation of the practice of pharmacy and the sale of dangerous drugs or dangerous devices by the California State Board of Pharmacy, in the Department of Consumer Affairs. Existing law authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2010, and would repeal them on January 1, 2011.

On and after January 1, 2007, existing law prohibits a wholesaler or pharmacy from selling, trading, or transferring a dangerous drug without a pedigree, as defined, and prohibits a wholesaler or pharmacy from acquiring a dangerous drug without receiving a pedigree, unless the compliance date is extended. Existing law authorizes the board to extend the compliance date to January 1, 2008, in specified circumstances.

This bill would instead impose the prohibition against selling, trading, transferring, or acquiring a dangerous drug without a pedigree on January 1, 2008, and would make other conforming changes.

(12) Existing law provides for the licensure and regulation of veterinarians by the Veterinary Medical Board in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2009, and will be repealed on January 1, 2010.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(13) Existing law provides for the licensure and regulation of acupuncturists by the Acupuncture Board and requires the board to employ necessary personnel, including an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

(14) Existing law provides for the licensure and regulation of the practice of behavioral health by the Board of Behavioral Sciences, in the Department of Consumer Affairs, and authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will repeal them on January 1, 2009.

This bill would instead ~~makes~~ *make* these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

(15) Existing law provides for the licensure and regulation of architects by the California Architects Board, and provides for the creation of the Landscape Architects Technical Committee to assist the board with specified functions. Existing law authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2009, and will be repealed on January 1, 2010.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(16) Existing law provides for the licensure and regulation of professional engineers and land surveyors by the Board for Professional Engineers and Land Surveyors, in the Department of Consumer Affairs. Existing law requires the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(17) Existing law establishes within the Department of Consumer Affairs a State Board of Guide Dogs for the Blind, which licenses schools for the training of guide dogs for the blind. Existing law also establishes a pilot project for the arbitration of disputes between guide dog users and guide schools relating to the continued physical custody and use of the guide dog when the dog user is not the legal owner of the dog. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2011, and would repeal them on January 1, 2012.

(18) Existing law provides for the licensure and regulation of geologists and geophysicists by the Board for Geologists and Geophysicists, subject to the jurisdiction of the Department of Consumer Affairs. Existing law authorizes the board to appoint an executive officer. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

(19) Existing law provides for the licensure and regulation of court reporters by the Court Reporters Board of California, in the Department of Consumer Affairs. These provisions will become inoperative on July 1, 2008, and will be repealed on January 1, 2009.

This bill would instead make these provisions inoperative on July 1, 2009, and would repeal them on January 1, 2010.

(20) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1601.1 of the Business and Professions~~
2 ~~Code is amended to read:~~
3 ~~1601.1. (a) There shall be in the Department of Consumer~~
4 ~~Affairs the Dental Board of California in which the~~
5 ~~administration of this chapter is vested. The board shall consist of~~
6 ~~eight practicing dentists, one registered dental hygienist, one~~
7 ~~registered dental assistant, and four public members. Of the eight~~
8 ~~practicing dentists, one shall be a member of a faculty of any~~
9 ~~California dental college and one shall be a dentist practicing in a~~
10 ~~nonprofit community clinic. The appointing powers, described in~~
11 ~~Section 1603, may appoint to the board a person who was a~~
12 ~~member of the prior board. The board shall be organized into~~
13 ~~standing committees dealing with examinations, enforcement,~~
14 ~~and other subjects as the board deems appropriate.~~

1 ~~(b) For purposes of this chapter, any reference in this chapter~~
2 ~~to the Board of Dental Examiners shall be deemed to refer to the~~
3 ~~Dental Board of California.~~

4 ~~(c) The board shall have all authority previously vested in the~~
5 ~~existing board under this chapter. The board may enforce all~~
6 ~~disciplinary actions undertaken by the previous board.~~

7 ~~(d) This section shall become inoperative on July 1, 2009, and,~~
8 ~~as of January 1, 2010, is repealed, unless a later enacted statute~~
9 ~~that is enacted before January 1, 2010, deletes or extends the~~
10 ~~dates on which it becomes inoperative and is repealed. The repeal~~
11 ~~of this section renders the board subject to the review required by~~
12 ~~Division 1.2 (commencing with Section 473).~~

13 ~~SEC. 2.~~

14 *SECTION 1.* Section 1742 of the Business and Professions
15 Code is amended to read:

16 1742. (a) There is within the jurisdiction of the board a
17 Committee on Dental Auxiliaries.

18 (b) The Committee on Dental Auxiliaries shall have the
19 following areas of responsibility and duties:

20 (1) The committee shall have the following duties and
21 authority related to education programs and curriculum:

22 (A) Shall evaluate all dental auxiliary programs applying for
23 board approval in accordance with board rules governing the
24 programs.

25 (B) May appoint board members to any evaluation committee.
26 Board members so appointed shall not make a final decision on
27 the issue of program or course approval.

28 (C) Shall report and make recommendations to the board as to
29 whether a program or course qualifies for approval. The board
30 retains the final authority to grant or deny approval to a program
31 or course.

32 (D) Shall review and document any alleged deficiencies that
33 might warrant board action to withdraw or revoke approval of a
34 program or course, at the request of the board.

35 (E) May review and document any alleged deficiencies that
36 might warrant board action to withdraw or revoke approval of a
37 program or course, at its own initiation.

38 (2) The committee shall have the following duties and
39 authority related to applications:

1 (A) Shall review and evaluate all applications for licensure in
2 the various dental auxiliary categories to ascertain whether a
3 candidate meets the appropriate licensing requirements specified
4 by statute and board regulations.

5 (B) Shall maintain application records, cashier application
6 fees, and perform any other ministerial tasks as are incidental to
7 the application process.

8 (C) May delegate any or all of the functions in this paragraph
9 to its staff.

10 (D) Shall issue auxiliary licenses in all cases, except where
11 there is a question as to a licensing requirement. The board
12 retains final authority to interpret any licensing requirement. If a
13 question arises in the area of interpreting any licensing
14 requirement, it shall be presented by the committee to the board
15 for resolution.

16 (3) The committee shall have the following duties and
17 authority regarding examinations:

18 (A) Shall advise the board as to the type of license
19 examination it deems appropriate for the various dental auxiliary
20 license categories.

21 (B) Shall, at the direction of the board, develop or cause to be
22 developed, administer, or both, examinations in accordance with
23 the board's instructions and periodically report to the board on
24 the progress of those examinations. The following shall apply to
25 the examination procedure:

26 (i) The examination shall be submitted to the board for its
27 approval prior to its initial administration.

28 (ii) Once an examination has been approved by the board, no
29 further approval is required unless a major modification is made
30 to the examination.

31 (iii) The committee shall report to the board on the results of
32 each examination and shall, where appropriate, recommend pass
33 points.

34 (iv) The board shall set pass points for all dental auxiliary
35 licensing examinations.

36 (C) May appoint board members to any examination
37 committee established pursuant to subparagraph (B).

38 (4) The committee shall periodically report and make
39 recommendations to the board concerning the level of fees for

1 dental auxiliaries and the need for any legislative fee increase.
2 However, the board retains final authority to set all fees.

3 (5) The committee shall be responsible for all aspects of the
4 license renewal process, which shall be accomplished in
5 accordance with this chapter and board regulations. The
6 committee may delegate any or all of its functions under this
7 paragraph to its staff.

8 (6) The committee shall have no authority with respect to the
9 approval of continuing education providers and the board retains
10 all of this authority.

11 (7) The committee shall advise the board as to appropriate
12 standards of conduct for auxiliaries, the proper ordering of
13 enforcement priorities, and any other enforcement-related matters
14 that the board may, in the future, delegate to the committee. The
15 board shall retain all authority with respect to the enforcement
16 actions, including, but not limited to, complaint resolution,
17 investigation, and disciplinary action against auxiliaries.

18 (8) The committee shall have the following duties regarding
19 regulations:

20 (A) To review and evaluate all suggestions or requests for
21 regulatory changes related to dental auxiliaries.

22 (B) To report and make recommendations to the board, after
23 consultation with departmental legal counsel and the board's
24 executive officer.

25 (C) To include in any report regarding a proposed regulatory
26 change, at a minimum, the specific language of the proposed
27 changes and the reasons for and facts supporting the need for the
28 change. The board has the final rulemaking authority.

29 (c) This section shall become inoperative on July 1, 2009, and,
30 as of January 1, 2010, is repealed, unless a later enacted statute
31 which becomes effective on or before January 1, 2010, deletes or
32 extends the dates on which it becomes inoperative and is
33 repealed. The repeal of this section renders the committee subject
34 to the review required by Division 1.2 (commencing with Section
35 473).

36 ~~SEC. 3.~~

37 *SEC. 2.* Section 2460 of the Business and Professions Code is
38 amended to read:

39 2460. There is created within the jurisdiction of the Medical
40 Board of California and its divisions the California Board of

1 Podiatric Medicine. This section shall become inoperative on
2 July 1, 2010, and, as of January 1, 2011, is repealed, unless a
3 later enacted statute, which becomes effective on or before
4 January 1, 2011, deletes or extends the dates on which it becomes
5 inoperative and is repealed. The repeal of this section renders the
6 California Board of Podiatric Medicine subject to the review
7 required by Division 1.2 (commencing with Section 473).

8 ~~SEC. 4.~~

9 *SEC. 3.* Section 2570.4 of the Business and Professions Code
10 is amended to read:

11 2570.4. Nothing in this chapter shall be construed as
12 preventing or restricting the practice, services, or activities of any
13 of the following persons:

14 (a) Any person licensed, certified, or otherwise recognized in
15 this state by any other law or regulation when that person is
16 engaged in the profession or occupation for which he or she is
17 licensed, certified, or otherwise recognized.

18 (b) Any person pursuing a supervised course of study leading
19 to a degree or certificate in occupational therapy at an accredited
20 educational program, if the person is designated by a title that
21 clearly indicates his or her status as a student or trainee.

22 (c) Any person fulfilling the supervised fieldwork experience
23 requirements of subdivision (c) of Section 2570.6, if the
24 experience constitutes a part of the experience necessary to meet
25 the requirement of that provision.

26 (d) Any person performing occupational therapy services in
27 the state if all of the following apply:

28 (1) An application for licensure as an occupational therapist or
29 certification as an occupational therapy assistant has been filed
30 with the board pursuant to Section 2570.6.

31 (2) The person is licensed to practice occupational therapy
32 under the laws of another state that the board determines has
33 licensure requirements at least as stringent as the requirements of
34 this chapter.

35 (3) Occupational therapy services are performed for no more
36 than 60 days from the date on which the application for licensure
37 or certification was filed with the board.

38 (e) Any person employed as an aide subject to the supervision
39 requirements of this section.

1 ~~SEC. 5.~~

2 *SEC. 4.* Section 2570.19 of the Business and Professions
3 Code is amended to read:

4 2570.19. (a) There is hereby created a California Board of
5 Occupational Therapy, hereafter referred to as the board. The
6 board shall enforce and administer this chapter.

7 (b) The members of the board shall consist of the following:

8 (1) Three occupational therapists who shall have practiced
9 occupational therapy for five years.

10 (2) One occupational therapy assistant who shall have assisted
11 in the practice of occupational therapy for five years.

12 (3) Three public members who shall not be licentiates of the
13 board or of any board referred to in Section 1000 or 3600.

14 (c) The Governor shall appoint the three occupational
15 therapists and one occupational therapy assistant to be members
16 of the board. The Governor, the Senate Rules Committee, and the
17 Speaker of the Assembly shall each appoint a public member.
18 Not more than one member of the board shall be appointed from
19 the full-time faculty of any university, college, or other
20 educational institution.

21 (d) All members shall be residents of California at the time of
22 their appointment. The occupational therapist and occupational
23 therapy assistant members shall have been engaged in rendering
24 occupational therapy services to the public, teaching, or research
25 in occupational therapy for at least five years preceding their
26 appointments.

27 (e) The public members may not be or have ever been
28 occupational therapists or occupational therapy assistants or in
29 training to become occupational therapists or occupational
30 therapy assistants. The public members may not be related to, or
31 have a household member who is, an occupational therapist or an
32 occupational therapy assistant, and may not have had, within two
33 years of the appointment, a substantial financial interest in a
34 person regulated by the board.

35 (f) The Governor shall appoint two board members for a term
36 of one year, two board members for a term of two years, and one
37 board member for a term of three years. Appointments made
38 thereafter shall be for four-year terms, but no person shall be
39 appointed to serve more than two consecutive terms. Terms shall
40 begin on the first day of the calendar year and end on the last day

1 of the calendar year or until successors are appointed, except for
2 the first appointed members who shall serve through the last
3 calendar day of the year in which they are appointed, before
4 commencing the terms prescribed by this section. Vacancies shall
5 be filled by appointment for the unexpired term. The board shall
6 annually elect one of its members as president.

7 (g) The board shall meet and hold at least one regular meeting
8 annually in the Cities of Sacramento, Los Angeles, and San
9 Francisco. The board may convene from time to time until its
10 business is concluded. Special meetings of the board may be held
11 at any time and place designated by the board.

12 (h) Notice of each meeting of the board shall be given in
13 accordance with the Bagley-Keene Open Meeting Act (Article 9
14 (commencing with Section 11120) of Chapter 1 of Part 1 of
15 Division 3 of Title 2 of the Government Code).

16 (i) Members of the board shall receive no compensation for
17 their services, but shall be entitled to reasonable travel and other
18 expenses incurred in the execution of their powers and duties in
19 accordance with Section 103.

20 (j) The appointing power shall have the power to remove any
21 member of the board from office for neglect of any duty imposed
22 by state law, for incompetency, or for unprofessional or
23 dishonorable conduct.

24 (k) A loan is hereby authorized from the General Fund to the
25 Occupational Therapy Fund on or after July 1, 2000, in an
26 amount of up to one million dollars (\$1,000,000) to fund
27 operating, personnel, and other startup costs of the board. Six
28 hundred ten thousand dollars (\$610,000) of this loan amount is
29 hereby appropriated to the board to use in the 2000–01 fiscal year
30 for the purposes described in this subdivision. In subsequent
31 years, funds from the Occupational Therapy Fund shall be
32 available to the board upon appropriation by the Legislature in
33 the annual Budget Act. The loan shall be repaid to the General
34 Fund over a period of up to five years, and the amount paid shall
35 also include interest at the rate accruing to moneys in the Pooled
36 Money Investment Account. The loan amount and repayment
37 period shall be minimized to the extent possible based upon
38 actual board financing requirements as determined by the
39 Department of Finance.

1 (l) This section shall become inoperative on July 1, 2013, and,
2 as of January 1, 2014, is repealed, unless a later enacted statute
3 that is enacted before January 1, 2014, deletes or extends the
4 dates on which it becomes inoperative and is repealed. The repeal
5 of this section renders the board subject to the review required by
6 Division 1.2 (commencing with Section 473).

7 ~~SEC. 6.~~

8 SEC. 5. Section 2602 of the Business and Professions Code is
9 amended to read:

10 2602. The Physical Therapy Board of California, hereafter
11 referred to as the board, shall enforce and administer this chapter.
12 This section shall become inoperative on July 1, 2013, and, as of
13 January 1, 2014, is repealed, unless a later enacted statute, which
14 becomes effective on or before January 1, 2014, deletes or
15 extends the dates on which it becomes inoperative and is
16 repealed.

17 The repeal of this section renders the board subject to the
18 review required by Division 1.2 (commencing with Section 473).

19 ~~SEC. 7.~~

20 SEC. 6. Section 2660.5 is added to the Business and
21 Professions Code, to read:

22 2660.5. The board shall deny a physical therapist license or
23 physical therapist assistant approval to an applicant who is
24 required to register pursuant to Section 290 of the Penal Code.
25 This section does not apply to an applicant who is required to
26 register as a sex offender pursuant to Section 290 of the Penal
27 Code solely because of a misdemeanor conviction under Section
28 314 of the Penal Code.

29 ~~SEC. 8.~~

30 SEC. 7. Section 2668 of the Business and Professions Code is
31 amended to read:

32 2668. (a) A fee to cover the actual cost of administering the
33 program shall be charged for participation in the program.

34 (b) If the board contracts with any other entity to carry out this
35 section, the executive officer of the board, or his or her designee,
36 shall review the activities and performance of the contractor on a
37 biennial basis. As part of this review, the board shall review files
38 of participants in the program. However, the names of
39 participants who entered the program voluntarily shall remain

1 confidential, except when the review reveals misdiagnosis, case
2 mismanagement, or noncompliance by the participant.

3 ~~SEC. 9.~~

4 *SEC. 8.* Section 2701 of the Business and Professions Code is
5 amended to read:

6 2701. There is in the Department of Consumer Affairs the
7 Board of Registered Nursing consisting of nine members.

8 Within the meaning of this chapter, board, or the board, refers
9 to the Board of Registered Nursing. Any reference in state law to
10 the Board of Nurse Examiners of the State of California or
11 California Board of Nursing Education and Nurse Registration
12 shall be construed to refer to the Board of Registered Nursing.

13 This section shall become inoperative on July 1, 2010, and, as
14 of January 1, 2011, is repealed, unless a later enacted statute, that
15 becomes operative on or before January 1, 2011, deletes or
16 extends the dates on which it becomes inoperative and is
17 repealed. The repeal of this section renders the board subject to
18 the review required by Division 1.2 (commencing with Section
19 473).

20 ~~SEC. 10.~~

21 *SEC. 9.* Section 2708 of the Business and Professions Code is
22 amended to read:

23 2708. The board shall appoint an executive officer who shall
24 perform the duties delegated by the board and who shall be
25 responsible to it for the accomplishment of those duties.

26 The executive officer shall be a nurse currently licensed under
27 this chapter and shall possess other qualifications as determined
28 by the board.

29 The executive officer shall not be a member of the board.

30 This section shall become inoperative on July 1, 2010, and, as
31 of January 1, 2011, is repealed, unless a later enacted statute,
32 which becomes effective on or before January 1, 2011, deletes or
33 extends the dates on which it becomes inoperative and is
34 repealed.

35 ~~SEC. 11.~~

36 *SEC. 10.* Section 2920 of the Business and Professions Code
37 is amended to read:

38 2920. The Board of Psychology shall enforce and administer
39 this chapter. The board shall consist of nine members, four of
40 whom shall be public members.

1 This section shall become inoperative on July 1, 2009, and, as
2 of January 1, 2010, is repealed, unless a later enacted statute,
3 which becomes effective on or before January 1, 2010, deletes or
4 extends the dates on which it becomes inoperative and is
5 repealed.

6 ~~SEC. 12.~~

7 *SEC. 11.* Section 2933 of the Business and Professions Code
8 is amended to read:

9 2933. Except as provided by Section 159.5, the board shall
10 employ and shall make available to the board within the limits of
11 the funds received by the board all personnel necessary to carry
12 out this chapter. The board may employ, exempt from the State
13 Civil Service Act, an executive officer to the Board of
14 Psychology. The board shall make all expenditures to carry out
15 this chapter. The board may accept contributions to effectuate the
16 purposes of this chapter.

17 This section shall become inoperative on July 1, 2009, and, as
18 of January 1, 2010, is repealed, unless a later enacted statute,
19 which becomes effective on or before January 1, 2010, deletes or
20 extends the dates on which it becomes inoperative and is
21 repealed.

22 ~~SEC. 13.~~

23 *SEC. 12.* Section 3010.5 of the Business and Professions
24 Code is amended to read:

25 3010.5. (a) There is in the Department of Consumer Affairs
26 a State Board of Optometry in which the enforcement of this
27 chapter is vested. The board consists of 11 members, five of
28 whom shall be public members.

29 Six members of the board shall constitute a quorum.

30 (b) The board shall, with respect to conducting investigations,
31 inquiries, and disciplinary actions and proceedings, have the
32 authority previously vested in the board as created pursuant to
33 Section 3010. The board may enforce any disciplinary actions
34 undertaken by that board.

35 (c) This section shall remain in effect only until July 1, 2010,
36 and, as of January 1, 2011, is repealed, unless a later enacted
37 statute, that is enacted before January 1, 2011, deletes or extends
38 that date.

1 ~~SEC. 14.~~

2 *SEC. 13.* Section 3014.6 of the Business and Professions
3 Code is amended to read:

4 3014.6. (a) The board may appoint a person exempt from
5 civil service who shall be designated as an executive officer and
6 who shall exercise the powers and perform the duties delegated
7 by the board and vested in him or her by this chapter.

8 (b) This section shall become inoperative on July 1, 2010, and,
9 as of January 1, 2011, is repealed, unless a later enacted statute,
10 that is enacted before January 1, 2011, deletes or extends the
11 dates on which it becomes inoperative and is repealed.

12 ~~SEC. 15.~~

13 *SEC. 14.* Section 3504 of the Business and Professions Code
14 is amended to read:

15 3504. There is established a Physician Assistant Committee
16 of the Medical Board of California. The committee consists of
17 nine members. This section shall become inoperative on July 1,
18 2011, and, as of January 1, 2012, is repealed, unless a later
19 enacted statute, which becomes effective on or before January 1,
20 2012, deletes or extends the dates on which it becomes
21 inoperative and is repealed. The repeal of this section renders the
22 committee subject to the review required by Division 1.2
23 (commencing with Section 473).

24 ~~SEC. 16.~~

25 *SEC. 15.* Section 3512 of the Business and Professions Code
26 is amended to read:

27 3512. (a) Except as provided in Sections 159.5 and 2020, the
28 committee shall employ within the limits of the Physician
29 Assistant Fund all personnel necessary to carry out the provisions
30 of this chapter including an executive officer who shall be
31 exempt from civil service. The board and committee shall make
32 all necessary expenditures to carry out the provisions of this
33 chapter from the funds established by Section 3520. The
34 committee may accept contributions to effect the purposes of this
35 chapter.

36 (b) This section shall become inoperative on July 1, 2011, and,
37 as of January 1, 2012, is repealed, unless a later enacted statute,
38 that becomes operative on or before January 1, 2012, deletes or
39 extends the dates on which it becomes inoperative and is
40 repealed.

~~SEC. 17.~~

SEC. 16. Section 3516.1 of the Business and Professions Code is amended to read:

3516.1. (a) (1) Notwithstanding any other provision of law, a physician who provides services in a medically underserved area may supervise not more than four physician assistants at any one time.

(2) As used in this section, “medically underserved area” means a “health professional(s) shortage area” (HPSA) as defined in Part 5 (commencing with Section 5.1) of Chapter 1 of Title 42 of the Code of Federal Regulations or an area of the state where unmet priority needs for physicians exist as determined by the California Healthcare Workforce Policy Commission pursuant to Section 128225 of the Health and Safety Code.

(b) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute that is enacted before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 18.~~

SEC. 17. Section 3685 of the Business and Professions Code is amended to read:

3685. (a) The provisions of Article 8 (commencing with Section 3680) shall become operative on January 1, 2004, but the remaining provisions of this chapter shall become operative on July 1, 2004. It is the intent of the Legislature that the initial implementation of this chapter be administered by fees collected in advance from applicants. Therefore, the bureau shall have the power and authority to establish fees and receive applications for licensure or intents to file application statements on and after January 1, 2004. The department shall certify that sufficient funds are available prior to implementing this chapter. Funds from the General Fund may not be used for the purpose of implementing this chapter.

(b) This chapter shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute that is enacted before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed. The repeal of this chapter renders the bureau subject to the review required by Division 1.2 (commencing with Section 473).

(c) The bureau shall prepare the report required by Section 473.2 no later than September 1, 2007.

~~SEC. 19.~~

SEC. 18. Section 3710 of the Business and Professions Code is amended to read:

3710. The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter.

This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

The repeal of this section renders the board subject to the review required by Division 1.2 (commencing with Section 473).

~~SEC. 20.~~

SEC. 19. Section 3716 of the Business and Professions Code is amended to read:

3716. The board may employ an executive officer exempt from civil service and, subject to the provisions of law relating to civil service, clerical assistants and, except as provided in Section 159.5, other employees as it may deem necessary to carry out its powers and duties.

This section shall become inoperative on July 1, 2010, and, as of January 1, 2011, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2011, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 21.~~

SEC. 20. Section 4001 of the Business and Professions Code is amended to read:

4001. (a) There is in the Department of Consumer Affairs a California State Board of Pharmacy in which the administration and enforcement of this chapter is vested. The board consists of 13 members.

(b) The Governor shall appoint seven competent pharmacists who reside in different parts of the state to serve as members of the board. The Governor shall appoint four public members, and the Senate Committee on Rules and the Speaker of the Assembly shall each appoint a public member who shall not be a licensee of

1 the board, any other board under this division, or any board
2 referred to in Section 1000 or 3600.

3 (c) At least five of the seven pharmacist appointees to the
4 board shall be pharmacists who are actively engaged in the
5 practice of pharmacy. Additionally, the membership of the board
6 shall include at least one pharmacist representative from each of
7 the following practice settings: an acute care hospital, an
8 independent community pharmacy, a chain community
9 pharmacy, and a long-term health care or skilled nursing facility.
10 The pharmacist appointees shall also include a pharmacist who is
11 a member of a labor union that represents pharmacists. For the
12 purposes of this subdivision, a “chain community pharmacy”
13 means a chain of 75 or more stores in California under the same
14 ownership, and an “independent community pharmacy” means a
15 pharmacy owned by a person or entity who owns no more than
16 four pharmacies in California.

17 (d) Members of the board shall be appointed for a term of four
18 years. No person shall serve as a member of the board for more
19 than two consecutive terms. Each member shall hold office until
20 the appointment and qualification of his or her successor or until
21 one year shall have elapsed since the expiration of the term for
22 which the member was appointed, whichever first occurs.
23 Vacancies occurring shall be filled by appointment for the
24 unexpired term.

25 (e) Each member of the board shall receive a per diem and
26 expenses as provided in Section 103.

27 (f) In accordance with Sections 101.1 and 473.1, this section
28 shall become inoperative on July 1, 2010, and, as of January 1,
29 2011, is repealed, unless a later enacted statute, that becomes
30 effective on or before January 1, 2011, deletes or extends the
31 dates on which it becomes inoperative and is repealed. The repeal
32 of this section renders the board subject to the review required by
33 Division 1.2 (commencing with Section 473).

34 ~~SEC. 22.~~

35 *SEC. 21.* Section 4003 of the Business and Professions Code
36 is amended to read:

37 4003. (a) The board may appoint a person exempt from civil
38 service who shall be designated as an executive officer and who
39 shall exercise the powers and perform the duties delegated by the
40 board and vested in him or her by this chapter. The executive

1 officer may or may not be a member of the board as the board
2 may determine.

3 (b) The executive officer shall receive the compensation as
4 established by the board with the approval of the Director of
5 Finance. The executive officer shall also be entitled to travel and
6 other expenses necessary in the performance of his or her duties.

7 (c) The executive officer shall maintain and update in a timely
8 fashion records containing the names, titles, qualifications, and
9 places of business of all persons subject to this chapter.

10 (d) The executive officer shall give receipts for all money
11 received by him or her and pay it to the Department of Consumer
12 Affairs, taking its receipt therefor. Besides the duties required by
13 this chapter, the executive officer shall perform other duties
14 pertaining to the office as may be required of him or her by the
15 board.

16 (e) In accordance with Sections 101.1 and 473.1, this section
17 shall become inoperative on July 1, 2010, and, as of January 1,
18 2011, is repealed, unless a later enacted statute, that becomes
19 effective on or before January 1, 2011, deletes or extends the
20 dates on which it becomes inoperative and is repealed.

21 ~~SEC. 21.~~

22 *SEC. 22.* Section 4034 of the Business and Professions Code
23 is amended to read:

24 4034. (a) "Pedigree" means a record, in electronic form,
25 containing information regarding each transaction resulting in a
26 change of ownership of a given dangerous drug, from sale by a
27 manufacturer, through acquisition and sale by a wholesaler, until
28 final sale to a pharmacy or other person furnishing,
29 administering, or dispensing the dangerous drug.

30 (b) A pedigree shall include all of the following information:

31 (1) The source of the dangerous drug, including the name,
32 state license number, including California license number if
33 available, and principal address of the source.

34 (2) The quantity of the dangerous drug, its dosage form and
35 strength, the date of the transaction, the sales invoice number, the
36 container size, the number of containers, the expiration dates, and
37 the lot numbers.

38 (3) The business name, address, and if appropriate, the state
39 license number, including a California license number if
40 available, of each owner of the dangerous drug, and the

1 dangerous drug shipping information, including the name and
2 address of each person certifying delivery or receipt of the
3 dangerous drug.

4 (4) A certification under penalty of perjury from a responsible
5 party of the source of the dangerous drug that the information
6 contained in the pedigree is true and accurate.

7 (c) If a licensed health care service plan, hospital organization,
8 and one or more physician organizations have exclusive
9 contractual relationships to provide health care services, drugs
10 distributed between these persons shall be deemed not to have
11 changed ownership.

12 (d) The application of the pedigree requirement in pharmacies
13 shall be subject to review during the board's sunset review to be
14 conducted as described in subdivision (f) of Section 4001.

15 (e) This section shall become operative on January 1, 2008.

16 ~~SEC. 22.~~

17 *SEC. 23.* Section 4163 of the Business and Professions Code,
18 as amended by Section 31 of Chapter 857 of the Statutes of 2004,
19 is amended to read:

20 4163. (a) No manufacturer or wholesaler shall furnish any
21 dangerous drugs or dangerous devices to any unauthorized
22 persons.

23 (b) No person shall acquire dangerous drugs or dangerous
24 devices from a person not authorized by law to possess or furnish
25 those dangerous drugs or dangerous devices. When the person
26 acquiring the dangerous drugs or dangerous devices is a
27 wholesaler, the obligation of the wholesaler shall be limited to
28 obtaining confirmation of licensure of those sources from whom
29 it has not previously acquired dangerous drugs or dangerous
30 devices.

31 (c) This section shall remain in effect only until January 1,
32 2008, and as of that date is repealed, unless a later enacted
33 statute, that is enacted before January 1, 2008, deletes or extends
34 that date.

35 ~~SEC. 23.~~

36 *SEC. 24.* Section 4163 of the Business and Professions Code,
37 as added by Section 32 of Chapter 857 of the Statutes of 2004, is
38 amended to read:

39 4163. (a) A manufacturer or wholesaler may not furnish a
40 dangerous drug or dangerous device to an unauthorized person.

(b) Dangerous drugs or dangerous devices shall be acquired from a person authorized by law to possess or furnish dangerous drugs or dangerous devices. When the person acquiring the dangerous drugs or dangerous devices is a wholesaler, the obligation of the wholesaler shall be limited to obtaining confirmation of licensure of those sources from whom it has not previously acquired dangerous drugs or dangerous devices.

(c) A wholesaler or pharmacy may not sell, trade, or transfer a dangerous drug at wholesale without providing a pedigree.

(d) A wholesaler or pharmacy may not acquire a dangerous drug without receiving a pedigree.

(e) This section shall become operative on January 1, 2008.

~~SEC. 24.~~

SEC. 25. Section 4163.5 of the Business and Professions Code is repealed.

~~SEC. 25.~~

SEC. 26. Section 4169 of the Business and Professions Code, as added by Section 39 of Chapter 857 of the Statutes of 2004, is amended to read:

4169. (a) A person or entity may not do any of the following:

(1) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler or pharmacy, in violation of Section 4163.

(2) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were adulterated, as set forth in Article 2 (commencing with Section 111250) of Chapter 6 of Part 5 of Division 104 of the Health and Safety Code.

(3) Purchase, trade, sell, or transfer dangerous drugs that the person knew or reasonably should have known were misbranded, as defined in Section 111335 of the Health and Safety Code.

(4) Purchase, trade, sell, or transfer dangerous drugs or dangerous devices after the beyond use date on the label.

(5) Fail to maintain records of the acquisition or disposition of dangerous drugs or dangerous devices for at least three years.

(b) Notwithstanding any other provision of law, a violation of this section may subject the person or entity that has committed the violation to a fine not to exceed the amount specified in

1 Section 125.9 for each occurrence, pursuant to a citation issued
2 by the board.

3 (c) Amounts due from any person under this section shall be
4 offset as provided under Section 12419.5 of the Government
5 Code. Amounts received by the board under this section shall be
6 deposited into the Pharmacy Board Contingent Fund.

7 (d) This section shall not apply to a pharmaceutical
8 manufacturer licensed by the Food and Drug Administration or
9 by the State Department of Health Services.

10 (e) This section shall remain in effect only until January 1,
11 2008, and as of that date is repealed, unless a later enacted
12 statute, that is enacted before January 1, 2008, deletes or extends
13 that date.

14 ~~SEC. 26.~~

15 *SEC. 27.* Section 4169 of the Business and Professions Code,
16 as added by Section 40 of Chapter 857 of the Statutes of 2004, is
17 amended to read:

18 4169. (a) A person or entity may not do any of the following:

19 (1) Purchase, trade, sell, or transfer dangerous drugs or
20 dangerous devices at wholesale with a person or entity that is not
21 licensed with the board as a wholesaler or pharmacy.

22 (2) Purchase, trade, sell, or transfer dangerous drugs that the
23 person knew or reasonably should have known were adulterated,
24 as set forth in Article 2 (commencing with Section 111250) of
25 Chapter 6 of Part 5 of Division 104 of the Health and Safety
26 Code.

27 (3) Purchase, trade, sell, or transfer dangerous drugs that the
28 person knew or reasonably should have known were misbranded,
29 as defined in Section 111335 of the Health and Safety Code.

30 (4) Purchase, trade, sell, or transfer dangerous drugs or
31 dangerous devices after the beyond use date on the label.

32 (5) Fail to maintain records of the acquisition or disposition of
33 dangerous drugs or dangerous devices for at least three years.

34 (b) Notwithstanding any other provision of law, a violation of
35 this section or of subdivision (c) or (d) of Section 4163 may
36 subject the person or entity that has committed the violation to a
37 fine not to exceed the amount specified in Section 125.9 for each
38 occurrence, pursuant to a citation issued by the board.

39 (c) Amounts due from any person under this section shall be
40 offset as provided under Section 12419.5 of the Government

1 Code. Amounts received by the board under this section shall be
2 deposited into the Pharmacy Board Contingent Fund.

3 (d) This section shall not apply to a pharmaceutical
4 manufacturer licensed by the Food and Drug Administration or
5 by the State Department of Health Services.

6 (e) This section shall become operative on January 1, 2008.

7 ~~SEC. 27.~~

8 *SEC. 28.* Section 4800 of the Business and Professions Code
9 is amended to read:

10 4800. There is in the Department of Consumer Affairs a
11 Veterinary Medical Board in which the administration of this
12 chapter is vested. The board consists of seven members, three of
13 whom shall be public members.

14 This section shall become inoperative on July 1, 2011, and, as
15 of January 1, 2012, is repealed, unless a later enacted statute,
16 which becomes effective on or before January 1, 2012, deletes or
17 extends the dates on which it becomes inoperative and is
18 repealed.

19 The repeal of this section renders the board subject to the
20 review provided for by Division 1.2 (commencing with Section
21 473).

22 ~~SEC. 28.~~

23 *SEC. 29.* Section 4804.5 of the Business and Professions
24 Code is amended to read:

25 4804.5. The board may appoint a person exempt from civil
26 service who shall be designated as an executive officer and who
27 shall exercise the powers and perform the duties delegated by the
28 board and vested in him or her by this chapter.

29 This section shall become inoperative on July 1, 2011, and, as
30 of January 1, 2012, is repealed, unless a later enacted statute,
31 which becomes effective on or before January 1, 2012, deletes or
32 extends the dates on which it becomes inoperative and is
33 repealed.

34 ~~SEC. 29.~~

35 *SEC. 30.* Section 4928 of the Business and Professions Code
36 is amended to read:

37 4928. The Acupuncture Board, which consists of seven
38 members, shall enforce and administer this chapter. The
39 appointing powers, as described in Section 4929, may appoint to

1 the board a person who was a member of the prior board prior to
2 the repeal of that board on January 1, 2006.

3 This section shall become inoperative on July 1, 2009, and as
4 of January 1, 2010, is repealed, unless a later enacted statute,
5 which becomes effective on or before January 1, 2010, deletes or
6 extends the dates on which it becomes inoperative and is
7 repealed.

8 The repeal of this section renders the board subject to the
9 review required by Division 1.2 (commencing with Section 473).

10 ~~SEC. 30.~~

11 *SEC. 31.* Section 4934 of the Business and Professions Code
12 is amended to read:

13 4934. (a) The board, by and with the approval of the director,
14 may employ personnel necessary for the administration of this
15 chapter, and the board, by and with the approval of the director,
16 may appoint an executive officer who is exempt from the
17 provisions of the Civil Service Act.

18 (b) This section shall become inoperative on July 1, 2009, and,
19 as of January 1, 2010, is repealed, unless a later enacted statute,
20 which becomes effective on or before January 1, 2010, deletes or
21 extends the dates on which it becomes inoperative and is
22 repealed.

23 ~~SEC. 31.~~

24 *SEC. 32.* Section 4990.1 of the Business and Professions
25 Code is amended to read:

26 4990.1. There is in the Department of Consumer Affairs a
27 Board of Behavioral Sciences which consists of 11 members.

28 This section shall become inoperative on July 1, 2009, and, as
29 of January 1, 2010, is repealed, unless a later enacted statute,
30 which becomes effective on or before January 1, 2010, deletes or
31 extends the dates on which it becomes inoperative and is
32 repealed.

33 ~~SEC. 32.~~

34 *SEC. 33.* Section 5510 of the Business and Professions Code
35 is amended to read:

36 5510. There is in the Department of Consumer Affairs a
37 California Architects Board which consists of 10 members.

38 Any reference in law to the California Board of Architectural
39 Examiners shall mean the California Architects Board.

1 This section shall become inoperative on July 1, 2011, and, as
2 of January 1, 2012, is repealed, unless a later enacted statute,
3 which becomes effective on or before January 1, 2012, deletes or
4 extends the dates on which it becomes inoperative and is
5 repealed. The repeal of this section renders the board subject to
6 the review required by Division 1.2 (commencing with Section
7 473).

8 ~~SEC. 33.~~

9 *SEC. 34.* Section 5517 of the Business and Professions Code
10 is amended to read:

11 5517. The board may appoint a person exempt from civil
12 service who shall be designated as an executive officer and who
13 shall exercise the powers and perform the duties delegated by the
14 board and vested in him or her by this chapter.

15 This section shall become inoperative on July 1, 2011, and, as
16 of January 1, 2012, is repealed, unless a later enacted statute,
17 which becomes effective on or before January 1, 2012, deletes or
18 extends the dates on which it becomes inoperative and is
19 repealed.

20 ~~SEC. 34.~~

21 *SEC. 35.* Section 5620 of the Business and Professions Code
22 is amended to read:

23 5620. The duties, powers, purposes, responsibilities, and
24 jurisdiction of the California State Board of Landscape
25 Architects that were succeeded to and vested with the
26 Department of Consumer Affairs in accordance with Chapter 908
27 of the Statutes of 1994 are hereby transferred to the California
28 Architects Board. The Legislature finds that the purpose for the
29 transfer of power is to promote and enhance the efficiency of
30 state government and that assumption of the powers and duties
31 by the California Architects Board shall not be viewed or
32 construed as a precedent for the establishment of state regulation
33 over a profession or vocation that was not previously regulated
34 by a board, as defined in Section 477.

35 (a) There is in the Department of Consumer Affairs a
36 California Architects Board as defined in Article 2 (commencing
37 with Section 5510) of Chapter 3.

38 Whenever in this chapter “board” is used it refers to the
39 California Architects Board.

1 (b) Except as provided herein, the board may delegate its
2 authority under this chapter to the Landscape Architects
3 Technical Committee.

4 (c) After review of proposed regulations, the board may direct
5 the examining committee to notice and conduct hearings to
6 adopt, amend, or repeal regulations pursuant to Section 5630,
7 provided that the board itself shall take final action to adopt,
8 amend, or repeal those regulations.

9 (d) The board shall not delegate its authority to discipline a
10 landscape architect or to take action against a person who has
11 violated this chapter.

12 (e) This section shall become inoperative on July 1, 2011, and
13 as of January 1, 2012, is repealed, unless a later enacted statute,
14 that becomes operative on or before January 1, 2012, deletes or
15 extends the dates on which it becomes inoperative and is
16 repealed.

17 ~~SEC. 35.~~

18 *SEC. 36.* Section 5621 of the Business and Professions Code
19 is amended to read:

20 5621. (a) There is hereby created within the jurisdiction of
21 the board, a Landscape Architects Technical Committee,
22 hereinafter referred to in this chapter as the landscape architects
23 committee.

24 (b) The landscape architects committee shall consist of five
25 members who shall be licensed to practice landscape architecture
26 in this state. The Governor shall appoint three of the members.
27 The Senate Committee on Rules and the Speaker of the
28 Assembly shall appoint one member each.

29 (c) The initial members to be appointed by the Governor are as
30 follows: one member for a term of one year; one member for a
31 term of two years; and one member for a term of three years. The
32 Senate Committee on Rules and the Speaker of the Assembly
33 shall initially each appoint one member for a term of four years.
34 Thereafter, appointments shall be made for four-year terms,
35 expiring on June 1 of the fourth year and until the appointment
36 and qualification of his or her successor or until one year shall
37 have elapsed whichever first occurs. Vacancies shall be filled for
38 the unexpired term.

39 (d) No person shall serve as a member of the landscape
40 architects committee for more than two consecutive terms.

(e) This section shall become inoperative on July 1, 2011, and as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 36.~~

SEC. 37. Section 5622 of the Business and Professions Code is amended to read:

5622. (a) The landscape architects committee may assist the board in the examination of candidates for a landscape architect's license and, after investigation, evaluate and make recommendations regarding potential violations of this chapter.

(b) The landscape architects committee may investigate, assist, and make recommendations to the board regarding the regulation of landscape architects in this state.

(c) The landscape architects committee may perform duties and functions that have been delegated to it by the board pursuant to Section 5620.

(d) The landscape architects committee may send a representative to all meetings of the full board to report on the committee's activities.

(e) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is repealed.

~~SEC. 37.~~

SEC. 38. Section 6710 of the Business and Professions Code is amended to read:

6710. (a) There is in the Department of Consumer Affairs a Board for Professional Engineers and Land Surveyors, which consists of 13 members.

(b) Any reference in any law or regulation to the Board of Registration for Professional Engineers and Land Surveyors is deemed to refer to the Board for Professional Engineers and Land Surveyors.

(c) This section shall become inoperative on July 1, 2011, and, as of January 1, 2012, is repealed, unless a later enacted statute, that becomes effective on or before January 1, 2012, deletes or extends the dates on which it becomes inoperative and is

1 repealed. The repeal of this section renders the board subject to
2 the review required by Division 1.2 (commencing with Section
3 473).

4 ~~SEC. 38.~~

5 *SEC. 39.* Section 6714 of the Business and Professions Code
6 is amended to read:

7 6714. The board shall appoint an executive officer at a salary
8 to be fixed and determined by the board with the approval of the
9 Director of Finance.

10 This section shall become inoperative on July 1, 2011, and, as
11 of January 1, 2012, is repealed, unless a later enacted statute, that
12 becomes effective on or before January 1, 2012, deletes or
13 extends the dates on which it becomes inoperative and is
14 repealed.

15 ~~SEC. 39.~~

16 *SEC. 40.* Section 7200 of the Business and Professions Code
17 is amended to read:

18 7200. (a) There is in the Department of Consumer Affairs a
19 State Board of Guide Dogs for the Blind in whom enforcement of
20 this chapter is vested. The board shall consist of seven members
21 appointed by the Governor. One member shall be the Director of
22 Rehabilitation or his or her designated representative. The
23 remaining members shall be persons who have shown a
24 particular interest in dealing with the problems of the blind, and
25 at least two of them shall be blind persons who use guide dogs.

26 (b) This section shall become inoperative on July 1, 2011, and,
27 as of January 1, 2012, is repealed, unless a later enacted statute,
28 which becomes effective on or before January 1, 2012, deletes or
29 extends the dates on which it becomes inoperative and is
30 repealed.

31 ~~SEC. 40.~~

32 *SEC. 41.* Section 7215.6 of the Business and Professions
33 Code is amended to read:

34 7215.6. (a) In order to provide a procedure for the resolution
35 of disputes between guide dog users and guide dog schools
36 relating to the continued physical custody and use of a guide dog,
37 in all cases except those in which the dog user is the
38 unconditional legal owner of the dog, the following arbitration
39 procedure shall be established as a pilot project.

(b) This procedure establishes an arbitration panel for the settlement of disputes between a guide dog user and a licensed guide dog school regarding the continued use of a guide dog by the user in all cases except those in which the dog user is the unconditional legal owner of the dog. The disputes that may be subject to this procedure concern differences between the user and school over whether or not a guide dog should continue to be used, differences between the user and school regarding the treatment of a dog by the user, and differences over whether or not a user should continue to have custody of a dog pending investigation of charges of abuse. It specifically does not address issues such as admissions to schools, training practices, or other issues relating to school standards. The board and its representative are not parties to any dispute described in this section.

(c) The licensed guide dog schools in California and the board shall provide to guide dog users graduating from guide dog programs in these schools a new avenue for the resolution of disputes that involve continued use of a guide dog, or the actual physical custody of a guide dog. Guide dog users who are dissatisfied with decisions of schools regarding continued use of guide dogs may appeal to the board to convene an arbitration panel composed of all of the following:

- (1) One person designated by the guide dog user.
- (2) One person designated by the licensed guide dog school.
- (3) A representative of the board who shall coordinate the activities of the panel and serve as chair.

(d) If the guide dog user or guide dog school wishes to utilize the arbitration panel, this must be stated in writing to the board. The findings and decision of the arbitration panel shall be final and binding. By voluntarily agreeing to having a dispute resolved by the arbitration panel and subject to its procedures, each party to the dispute shall waive any right for subsequent judicial review.

(e) A licensed guide dog school that fails to comply with any provision of this section shall automatically be subject to a penalty of two hundred fifty dollars (\$250) per day for each day in which a violation occurs. The penalty shall be paid to the board. The license of a guide dog school shall not be renewed until all penalties have been paid.

1 The fine shall be assessed without advance hearing, but the
2 licensee may apply to the board for a hearing on the issue of
3 whether the fine should be modified or set aside. This application
4 shall be in writing and shall be received by the board within 30
5 days after service of notice of the fine. Upon receipt of this
6 written request, the board shall set the matter for hearing within
7 60 days.

8 (f) As a general rule, custody of the guide dog shall remain
9 with the guide dog user pending a resolution by the arbitration
10 panel. In circumstances where the immediate health and safety of
11 the guide dog user or guide dog is threatened, the licensed school
12 may take custody of the dog at once. However, if the dog is
13 removed from the user's custody without the user's concurrence,
14 the school shall provide to the board the evidence that caused this
15 action to be taken at once and without fail; and within five
16 calendar days a special committee of two members of the board
17 shall make a determination regarding custody of the dog pending
18 hearing by the arbitration panel.

19 (g) The arbitration panel shall decide the best means to
20 determine final resolution in each case. This shall include, but is
21 not limited to, a hearing of the matter before the arbitration panel
22 at the request of either party to the dispute, an opportunity for
23 each party in the dispute to make presentations before the
24 arbitration panel, examination of the written record, or any other
25 inquiry as will best reveal the facts of the disputes. In any case,
26 the panel shall make its findings and complete its examination
27 within 45 calendar days of the date of filing the request for
28 arbitration, and a decision shall be rendered within 10 calendar
29 days of the examination.

30 All arbitration hearings shall be held at sites convenient to the
31 parties and with a view to minimizing costs. Each party to the
32 arbitration shall bear its own costs, except that the arbitration
33 panel, by unanimous agreement, may modify this arrangement.

34 (h) The board may study the effectiveness of the arbitration
35 panel pilot project in expediting resolution and reducing conflict
36 in disputes between guide dog users and guide dog schools and
37 may share its findings with the Legislature upon request.

38 (i) This section shall cease to be operative on July 1, 2011, and
39 as of January 1, 2012, is repealed, unless a later enacted statute,

1 which is enacted before January 1, 2012, deletes or extends that
2 date.

3 ~~SEC. 41.~~

4 *SEC. 42.* Section 7810 of the Business and Professions Code
5 is amended to read:

6 7810. The Board for Geologists and Geophysicists is within
7 the department and is subject to the jurisdiction of the
8 department. Except as provided in this section, the board shall
9 consist of eight members, five of whom shall be public members,
10 two of whom shall be geologists, and one of whom shall be a
11 geophysicist.

12 Each member shall hold office until the appointment and
13 qualification of the member's successor or until one year has
14 elapsed from the expiration of the term for which the member
15 was appointed, whichever occurs first. Vacancies occurring prior
16 to the expiration of the term shall be filled by appointment for the
17 remainder of the unexpired term.

18 Each appointment shall be for a four-year term expiring June 1
19 of the fourth year following the year in which the previous term
20 expired. No person shall serve as a member of the board for more
21 than two consecutive terms.

22 The Governor shall appoint three of the public members and
23 the three members qualified as provided in Section 7811. The
24 Senate Committee on Rules and the Speaker of the Assembly
25 shall each appoint a public member, and their initial appointment
26 shall be made to fill, respectively, the first and second public
27 member vacancies that occurred on or after January 1, 1983.

28 At the time the first vacancy is created by the expiration of the
29 term of a public member appointed by the Governor, the board
30 shall be reduced to consist of seven members, four of whom shall
31 be public members, two of whom shall be geologists, and one of
32 whom shall be a geophysicist. Notwithstanding any other
33 provision of law, the term of that member shall not be extended
34 for any reason, except as provided in this section.

35 This section shall become inoperative on July 1, 2009, and, as
36 of January 1, 2010, is repealed, unless a later enacted statute, that
37 becomes operative on or before January 1, 2010, deletes or
38 extends the dates on which it becomes inoperative and is
39 repealed. The repeal of this section renders the board subject to

1 the review required by Division 1.2 (commencing with Section
2 473).

3 ~~SEC. 42.~~

4 *SEC. 43.* Section 7815.5 of the Business and Professions
5 Code is amended to read:

6 7815.5. The board may appoint a person exempt from civil
7 service who shall be designated as an executive officer and who
8 shall exercise the powers and perform the duties delegated by the
9 board and vested in him or her by this chapter.

10 This section shall become inoperative on July 1, 2009, and, as
11 of January 1, 2010, is repealed, unless a later enacted statute,
12 which becomes effective on or before January 1, 2010, deletes or
13 extends the dates on which it becomes inoperative and is
14 repealed.

15 ~~SEC. 43.~~

16 *SEC. 44.* Section 8000 of the Business and Professions Code
17 is amended to read:

18 8000. There is in the Department of Consumer Affairs a
19 Court Reporters Board of California, which consists of five
20 members, three of whom shall be public members and two of
21 whom shall be holders of certificates issued under this chapter
22 who have been actively engaged as shorthand reporters within
23 this state for at least five years immediately preceding their
24 appointment.

25 This section shall become inoperative on July 1, 2009, and, as
26 of January 1, 2010, is repealed, unless a later enacted statute,
27 which becomes effective on or before January 1, 2010, deletes or
28 extends the dates on which it becomes inoperative and is
29 repealed.

30 ~~SEC. 44.~~

31 *SEC. 45.* No reimbursement is required by this act pursuant
32 to Section 6 of Article XIII B of the California Constitution
33 because the only costs that may be incurred by a local agency or
34 school district will be incurred because this act creates a new
35 crime or infraction, eliminates a crime or infraction, or changes
36 the penalty for a crime or infraction, within the meaning of
37 Section 17556 of the Government Code, or changes the

- 1 definition of a crime within the meaning of Section 6 of Article
- 2 XIII B of the California Constitution.

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